

MT LEGISLATIVE HISTORY

Chapter 140 1971

Bill H (S) 106

Original bill & hist. C

H. Committee on Labor & Compensation

S. Committee on Commerce & Labor

Hearing Date(s) FEB 17 ✓ C

Hearing Date(s) JAN 27 ✓ C

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Did this bill originate in an interim committee? Yes No

Committee

Report

MINUTES OF MEETING OF THE
COMMERCE AND LABOR COMMITTEE
STATE SENATE

January 27, 1971

A meeting of the Senate Committee on Commerce and Labor was called to order on January 27, at 9:00 a. m. in Room 404 of the State Capitol Building. Chairman Siderius presided.

All members of the committee were present at this meeting.

There was a total of fifteen (15) bills to be considered at this meeting having to do with Workmen's Compensation, etc.

Proponents to this package of bills were:

Mr. Jim Carden - Industrial Accidents Board

Mr. Jim Murry - AFL-CIO - Member of Governor's Advisory Board

Mr. Chadwick H. Smith - Montana Hospital Association

Mr. Bob Rante

Mr. George Wood - Executive Secretary of the Montana Self-Insurers Association

Mr. Brown - Anaconda Company

Mr. Jack Marlow - Montana Contractors Association - Member of Governor's Advisory Board

CONSIDERATION OF SENATE BILL 104: SENATOR DEIVI, author of this bill, was unable to appear on behalf of this bill.

SENATOR BERTSCHE MOVED DO PASS on this bill. SECONDED BY SENATOR HAPPELMAN, CARRIED.

CONSIDERATION OF SENATE BILL 105: SENATOR DEIVI, author of this bill was unable to be present.

SENATOR HAPPELMAN MOVED DO PASS. SENATOR COCHRANE SECONDED MOTION. CARRIED.

CONSIDERATION OF SENATE BILL 106: SENATOR SIDERIUS, AUTHOR of this bill, was present.

SENATOR COCHRANE MOVED DO PASS on SB 106. SECONDED BY SENATOR BENNETT. CARRIED.

CONSIDERATION OF SENATE BILL 107: SENATOR SIDERIUS was author of this bill.

SENATOR BENNETT MOVED DO PASS. SENATOR BERTSCHE SECONDED MOTION. CARRIED.

CONSIDERATION OF SENATE BILL 108: SENATOR DRAKE appeared before the committee as author of this bill.

SENATOR RUGG MOVED DO PASS. SENATOR BERTSCHE SECONDED THE MOTION. CARRIED.

CONSIDERATION OF SENATE BILL 109: SENATOR McKEON appeared before the committee as the author of this bill.

Opponents to this bill were:

Mr. Chadwick Smith - Montana Hospital Association

Mr. William Leary - Montana Hospital Association

Mr. Roland Fisher - Montana Hospital Association

Mr. Sam E. Humble - Admin. Teton Memorial Hospital

Mr. Robert Swartzel - Chairman, Teton Memorial Hospital Board

Mr. Russell Stein - Shodair Children's Hospital

Mr. Gerald F. Learth - St. Peter's Hospital

- ☒ DO PASS
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

JANUARY 27

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MR. **PRESIDENT**

We, your committee on **COMMERCE AND LABOR**

having had under consideration **SENATE** Bill No. **106**

92-709

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 92-709, R.C.M., 1947, TO PERMIT PAYMENT OF COMPENSATION FOR A 'HEALING SERVICE' IN ADDITION TO THAT ALLOWED FOR LOSS OF A SPECIFIED MEMBER OF THE BODY."

Respectfully report as follows: That **SENATE** Bill No. **106**

DO PASS

February 17, 1971

LABOR AND COMPENSATION COMMITTEE PROCEEDINGS:

A meeting of the Labor and Compensation Committee was held on Wednesday, February 17, 1971, at 10 30 a.m. in Room 428A with Chairman East presiding. All members were present but Marbut who was absent.

Mr. Jack Cardin, IAB, was present and testified on all the bills considered except SB #133. Mr. Brown, ACM Company, also testified as a proponent to the above bills. There were no opponents to any of the bills.

SENATE BILL #126 -- Mr. Cardin explained the background of this bill, and said that it only redefines what is a working week.

SENATE BILL #106 -- This bill was considered by the Governor's Advisory Committee, and it has to do with a healing period for total temporary disabilities.

SENATE BILL #107 -- This bill is concerned with bonding requirements.

SENATE BILLS #115 and #166 -- Senator McKee spoke on behalf of the bills, but had Mr. Cardin explain the bills. The first bill pertains to increasing the award for temporary disability, and the second bill provides for expenses for those taking vo-tech training. Mr. Brown felt that they were both good bills.

SENATE BILL #108 -- This bill has to do with private carriers in Montana.

There being no further testimony on the above bills, the witnesses were excused.

There was some discussion on Senate Bill #133 and proposed amendments thereto. It was felt that an effective date and adding the word "elected" on page 2, line 24, after the word "such" should be done. Motion was made to such, seconded, and carried that SENATE BILL #133 BE CONCURRED IN AS AMENDED.

A motion was made that SENATE BILL #127 BE CONCURRED IN. Motion seconded and carried.

A motion was made that SENATE BILL #121 BE CONCURRED IN. Motion seconded and carried.

A motion was made that SENATE BILL #120 BE CONCURRED IN. Motion seconded and carried.

A motion was made that SENATE BILL #106 BE CONCURRED IN. Motion seconded and carried.

agriculture's regulations applicable to the administration of the forest development transport system.

Subject to traffic laws.

Section 2. Forest development roads in the state of Montana, whether or not they meet the definition of a public highway by the laws of this state, are subject to the traffic laws of this state and the Montana highway patrol and county sheriffs of this state shall have jurisdiction thereon to investigate accidents and enforce the Montana traffic laws.

Jurisdiction.

Conflicting traffic laws--no jurisdiction as to special service roads.

Section 3. When forest development roads, or segments thereof, are designated as special service roads by the United States forest service and by such designation are subjected to traffic rules in addition to or in conflict with the Montana traffic laws, neither the additional nor conflicting traffic rules so prescribed by the forest service nor the Montana traffic law with which they conflict shall be within the jurisdiction of law enforcement officers of this state as to such special service road.

Approved March 1, 1971

CHAPTER NO. 140

An Act to Amend Section 92-709, R.C.M., 1947, to Provide Payment of Compensation for a "Healing Period" in Addition to that Allowed for Loss of a Specified Member of the Body.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 92-709, R.C.M., 1947, is hereby amended to read as follows:

"92-709. Compensation in case of specified injuries.

Compensation temporary disability.

In case of the following specified injuries, compensation for temporary total disability shall be paid at the weekly rate provided in section 92-701, R.C.M., 1947, during the healing period, but in no event shall the healing period exceed twenty-six (26) weeks. In addition thereto but in lieu of any other compensation provided by this act shall be as follows: the compensation shall be paid at the weekly rate provided in section 92-703, R.C.M., 1947, and shall be paid for the following periods:

Healing period limited to 26 weeks.

Additional compensation for loss of members.

For loss of:

One arm at or near shoulder280 weeks

One arm at the elbow	240 weeks
One arm between wrist and elbow	220 weeks
One hand	200 weeks
One thumb and the metacarpal bone thereof	75 weeks
One thumb at the proximal joint	37 weeks
One thumb at the second distal joint	25 weeks
One first finger and the metacarpal bone thereof	40 weeks
One first finger at the proximal joint	30 weeks
One first finger at the second joint	22 weeks
One first finger at the distal joint	15 weeks
One second finger and the metacarpal bone thereof	37 weeks
One second finger at the proximal joint	20 weeks
One second finger at the second joint	15 weeks
One second finger at the distal joint	8 weeks
One third finger and the metacarpal bone thereof	25 weeks
One third finger at the proximal joint	15 weeks
One third finger at the second joint	10 weeks
One third finger at the distal joint	5 weeks
One fourth finger and the metacarpal bone thereof	15 weeks
One fourth finger at the proximal joint	11 weeks
One fourth finger at the second joint	8 weeks
One fourth finger at the distal joint	6 weeks
One leg at or near the hip joint as to preclude the use of an artificial limb	300 weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	200 weeks
One leg between knee and ankle	190 weeks
One foot at the ankle	180 weeks
One great toe with metatarsal bone thereof	37 weeks
One great toe at the proximal joint	18 weeks
One great toe at the second joint	12 weeks
One toe other than the great toe with the metatarsal bone thereof	16 weeks
One toe other than the great toe at the proximal joint	8 weeks
One toe other than the great toe at second or distal joint	5 weeks
One eye by enucleation	165 weeks
Total blindness of one eye	140 weeks

Other cases of permanent injury less than total. Total loss of hearing, one ear 40 weeks
Total loss of hearing, both ears 200 weeks

In all other cases of permanent injury, less than total, not included in the above schedule, the compensation shall bear such relation to the periods stated in the above schedule as the disabilities bear to those produced by the injuries named in the schedule or to total disability (500 weeks).

Loss of vision. Loss of vision: Where central visual acuity does not exceed 20/200 in the better eye with correcting lenses or the widest diameter of the visual field subtends an angle no greater than 20 degrees, the same as for loss of the eye.

Total loss of use. Total loss of use: Indemnity benefits for permanent total loss of use of a member shall be the same as for loss of the member.

Partial loss. Partial loss or partial loss of use: Indemnity benefits for permanent partial loss or loss of use of a member may be proportionate loss or loss of use of the member.

Loss of more than one member. In any case in which there shall be a loss, or loss of use, of more than one member as set forth in this section, not amounting to permanent total disability, the award of indemnity benefits shall be for the loss, or loss of use thereof, which awards shall run consecutively, provided, however, that the total award of compensation in no case shall exceed five hundred (500) weeks.

Disfigurement. Disfigurement: The board may award proper and equitable indemnity benefits for serious face, head, or neck disfigurement, not to exceed twenty-five hundred dollars (\$2,500.00) in addition to any other indemnity benefits payable under this section.

Loss of two members in one accident. The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two (2) thereof, in one (1) accident, in the absence of conclusive proof to the contrary shall constitute total disability, permanent in character. Provided, however, that the percentage of permanent disability caused by any single accident or injury shall be so computed as to cover the permanent disability caused by that particular injury without reference to any previous physical ailment or defect or to any injury previously suffered or any permanent disability caused thereby; provided, that no payment under this section shall be in lieu of the separate benefit of medical and hospital services."

Total disability. Computation.

Approved March 1, 1971

CHAPTER NO. 141

An Act to Amend Section 92-1004, R.C.M., 1947, to Raise the Maximum Bonding Requirement to One Hundred Thousand Dollars, and Providing for a Corporate Surety Bond, Approved by the Board, in Lieu of Deposit of Bonds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 92-1004, R.C.M., 1947, is amended to read as follows: Amending clause.

"92-1004. **Agreement to be contained in policies of insurance—deposit of bonds.** No such policy shall be issued unless it contains the agreement of the insurer that it will promptly pay to the person entitled to compensation all the installments of compensation or other payments in this act provided for, and that the obligation shall not be affected by any default of the insured after the injury, or by any default in the giving of any notice required by such policy or by this act or otherwise. Such agreement shall be construed to be a direct promise by the insured to the person entitled to compensation. Before issuance of any policy by an insurer as herein authorized, such insurer must deposit with the treasurer of the industrial accident board, bonds of the United States or the state of Montana, or of any school district, county, city or town in the state of Montana, *or a corporate surety bond made out to and approved by the board*, in an amount not less than five thousand dollars (\$5,000.00) or more than *one hundred thousand dollars (\$100,000)*, as the industrial accident board may determine. If any insurer shall fail to discharge any liability after the amount thereof shall be determined by the board, and within the time limited by the board, it shall be the duty of the board to convert said bonds, or such part thereof as is necessary, into cash, and from the proceeds liquidate such liability; and thereafter said insurer must make an additional deposit to meet any deficiency caused thereby. It is intended hereby to give the industrial accident board the discretion in the matter of whether an insurer has failed to discharge any liability."

Mandatory agreement in policy to pay compensation.

Direct promise to person entitled.

Insurer must deposit bonds with treasurer of board.

\$5,000 to \$100,000.

On failure to discharge liability bonds shall be cashed.

Additional deposit.

Board given discretion.

Approved March 1, 1971